

IN THE STATE OF MISSISSIPPI
BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 13-1903

ROBERT E. CLISBY, BROKER

RESPONDENT

AGREED ORDER

This cause came before the Mississippi Real Estate Commission (sometimes hereinafter “Commission”) pursuant to authority of Miss. Code Ann. §73-35-1, et seq. on a formal complaint brought against Respondent Robert E. Clisby, Broker. Prior to a hearing before the Commission, it was announced that an agreement was reached as to the resolution of the matters alleged and any disciplinary actions that may be imposed upon the Respondent, Robert E. Clisby, Broker. This agreement is to the suspension of Respondent Robert E. Clisby’s license in lieu of further disciplinary proceedings. By entering into this Agreed Order, Respondent Robert E. Clisby waives his right to a hearing with full due process and the right to appeal any adverse decision resulting from that hearing. Having reached an agreement on the matter, the Commission issues this, its Findings of Fact, Conclusions, and Disciplinary Order as follows:

I.

Respondent Robert E. Clisby, sometimes hereinafter called "Respondent Clisby" is an adult resident citizen of Mississippi whose last known address of record with the Commission is 13841 Fairway Dr. Ocean Springs, MS 39564. Respondent Clisby is the holder of a real estate broker's license issued by the Commission pursuant to Miss. Code Ann. §73-35-1, et seq., as amended and, as such, he is subject to all provisions, rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate brokers under Mississippi law.

II.

During the course of an inquiry into property management by a different broker and entity, it was discovered that Respondent Clisby had a website for a real estate company held out under the name of "Gulf Coast Real Estate". Upon calling the telephone number listed on the website, the voicemail greeting stated that the number was associated with Gulf Coast Real Estate. Upon direct inquiry by telephone, Respondent Clisby's responses to questions revealed that Respondent Clisby had not obtained a company license issued by the Commission for the business entity, Gulf Coast Real Estate doing business as a property management company. Respondent Clisby has represented this real estate property management company name on different documents as well as emails.

III.

The above and foregoing described acts and omissions of the Respondent constitute violations of the Mississippi Real Estate Brokers License Act of 1954, as amended, §73-35-1, et seq., Miss. Code Ann., and more specifically, §73-35-6, 73-35-21(a), (c), (d) and (n) which provide, in relevant parts:

§73-35-6 Licenses for business entities; A corporation, partnership, company or association shall be granted a license when individual broker's licenses have been issued to every member, owner, partner or officer of such partnership, company, association or corporation who actively participates in its brokerage business and when any required fee is paid.

§73-35-21(1)(A) Making any substantial misrepresentation in connection with a real estate transaction;

§73-35-21(1)(C) Pursuing a continued and flagrant course of misrepresentation or making false promises through agents or salespersons or any medium of advertising or otherwise;

§73-35-21(1)(D) any misleading or untruthful advertising;

§73-35-21(1)(N) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates incompetency... or improper dealing...

DISCIPLINARY ORDER

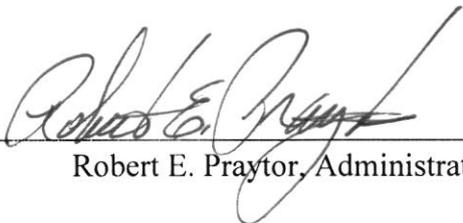
THEREFORE, by agreement, understanding and consent, the Commission **ORDERS** discipline as follows:

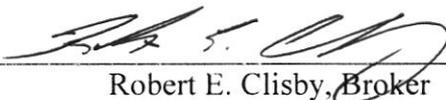
As to Robert E. Clisby, Broker, the Commission orders that his license incur a one (1) month suspension period and be immediately followed by five (5) months of probation; contingent upon both his future compliance with all Mississippi Real Estate Statutes and Commission Rules and also contingent upon him completing eight (8) hours of Mandatory Continuing Education (4 hours of Agency, 2 hours of Contract law and 2 hours of License Law) during the one month of suspension. Said education is to be completed in a classroom environment, rather than through on-line education. Further, these classes will be courses approved by this Commission, be in addition to any regular hours of continuing education that may be required of him for license renewal and will not be the same classes from the same provider as those used by this Respondent in his last renewal period. Evidence of completion of these classes is to be provided to this Commission. Respondent Clisby's full suspension will start March 15, 2019 and will be immediately followed by the six (6) month probation period.

SO ORDERED, this the 15th day of March, 2019.

MISSISSIPPI REAL ESTATE COMMISSION



By: 
Robert E. Praytor, Administrator

AGREED:  DATE: 3-11-19
Robert E. Clisby, Broker